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The Arizona **M.D. Update**

A Bi-Monthly Update of the Arizona Medical Digest

A Letter from the Executive Director

Barry A. Cassidy, Ph.D., PA-C



As another fiscal year winds down it is time for this agency to look back on the successes of the last year and take pride in its accomplishments. Soon, publications such as the agency's Annual Report and Strategic Plan will be written and released to the public. These formal reports will highlight many of the achievements made over the last year and will project future advancements. I encourage you to read these reports and share in the pride this agency takes to protect the public.

Of interest to many Arizona physicians and consumers is the passage of the Board's legislative bill (HB 2025) concerning a proposed Practitioner Health Program (PHP) and new statutory language for office-based surgery.

The bill, signed by the Governor on May 27, 2004, will give the Board authority to establish a PHP, similar to the al-

ready successful Monitored Aftercare Program for physicians and physician assistants with substance abuse issues. The PHP will provide a confidential, proactive and constructive outlet for physicians and physician assistants to self report behavioral issues and physical problems and receive help before any violations of law or patient harm occurs.

House Bill 2025 will also provide a definition of office-based surgery. Creating this definition is the first step the Board will take to formalize regulations for IV sedation office-based surgery. Rule making will ensue in the next fiscal year.

Additionally, as discussed at a recent Federation of State Medical Boards meeting, several states are now expanding their medical practice acts to include false testimony at medical malpractice hearings as an act of unprofessional

conduct. The Board will be tracking the evolution of this new law as it is implemented by other state medical boards and will determine if a similar law would be of benefit to citizens of Arizona.

Finally, one of the most publicly reported accomplishments was released this April by the Public Citizen Health Research Group. Public Citizen rated the Arizona Medical Board 4th out of all state medical boards for serious disciplinary actions taken over the last calendar year. This is the same ranking the Federation of State Medical Boards awarded the Board earlier that month. More importantly, this year, Public Citizen ranked Arizona first in the nation in a composite three year ranking.

MEDICAL BOARD TOP IN NATION

According to Public Citizen's Health Research Group, a Washington, D.C.-based consumer watchdog organization, the Arizona Medical Board ranks first in the nation for serious disciplinary actions taken over a three-year average. For actions taken over the last calendar year, Public Citizen ranked the Board fourth – the same ranking awarded in a recent Federation of State Medical Boards report for the total number of Board actions.

(Continued on page 3)

BOARD MEETING DATES

June 9-10, 2004

August 11-12, 2004

October 13-14, 2004

December 1-2, 2004

PROPOSED CHANGES TO MEDICAL LASER RULES

Since 2000 the Arizona Radiation Regulatory Agency (ARRA) has been drafting rules to regulate the usage of medical lasers in Arizona. While the FDA regulates medical lasers, the FDA only requires that they be sold to licensed physicians. However, the regulation of the actual laser operators is left to the individual states.

In 2002 the Board opposed the rule specifically because it only required indirect supervision of a licensed physician. Additionally, previous drafts combined all cosmetic procedures (i.e. hair removal, spider vein removal, skin rejuvenation, non-ablative skin resurfacing, skin resurfacing, port wine stain removal, epidural pigmented skin lesion and tattoo removal) together under the same regulation.

In a letter to ARRA in 2002 the Board stated its position that the use of lasers and intense-pulse light devices should occur under prescription only and the treatment should be performed either by the prescribing physician or under the direct supervision of the prescribing physician by trained individuals.

On May 12, 2004 the Board met again to discuss the current and amended ARRA rule proposal. This proposal is

substantially different in two areas. First, the issue of laser hair removal is addressed separately from all other cosmetic procedures. Secondly, the proposed rule requires different levels of supervision for medical laser usage. Laser hair removal would require, at a minimum, indirect supervision of a licensed practitioner, while all other cosmetic laser procedures would require direct supervision of a licensed practitioner.

While the Board has not officially approved the proposed laser rule language, it did vote to remove its former opposition to the rule and take a neutral stance.

For more information on the ARRA proposed rules to regulate lasers in Arizona, contact the ARRA at 602-255-4845 or visit their website at www.arra.state.az.us.

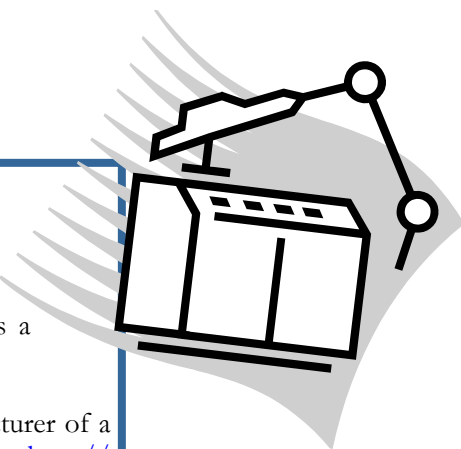
ON-LINE RESOURCES FOR LASER THERAPY

The following links are provided by the United States Food and Drug Administration (FDA) as a resource to physicians and consumers:

Laser Hair Removal: To find out if a manufacturer of a laser device has received FDA approval go to: <http://www.fda.gov/cdrh/databases.html> under the 510(k) database.

Eye Surgery: For information on laser eye surgery and which lasers have received FDA clearance click on: <http://www.fda.gov/cdrh/LASIK>.

Laser Radiation Therapy: To determine if a laser product has been certified by the FDA visit: <http://www.fda.gov/cdrh/devadvice>.



MEDICAL BOARD TOP IN NATION

Continued from page 1

Public Citizen defines serious disciplinary actions as revocations, surrenders, suspensions and probationary or restrictive orders per 1,000 doctors in each state.

This is the first year Public Citizen has released a composite three-year average ranking. "The composite index demonstrates the good work medical boards perform on a consistent basis," said Board Executive Director Barry A. Cassidy, Ph.D., P.A.-C.

The above chart demonstrates the Board's individual year rankings and composite three-year rankings over the last five years.

Public Citizen cites multiple factors that make a difference in a medical board's ability to take serious disciplinary actions including adequate funding from licensee fees, adequate staffing, proactive investigations, use of available

and reliable data from outside sources, excellent leadership, independence from state medical societies and other parts of state government, and a reasonable statutory framework for disciplining doctors.

Previously, the Federation of State Medical Boards ranked the Arizona Medical Board 4th in the nation for the total number of actions taken over the last calendar year and

has placed the Board among the top ten medical boards in the country for the last four consecutive years.

Year	Individual Year Ranking	Composite 3-Year Ranking
2003	4 th	1 st
2002	6 th	3 rd
2001	1 st	5 th
2000	7 th	18 th
1999	21 st	28 th

WERTHEIM APPOINTED TO MEDICAL BOARD

Chris Wertheim, an experienced public advocate and successful executive recruiter, has been appointed to the Arizona Medical Board. Ms. Wertheim fills a temporary position that was left vacant when longtime Board member Ronnie R. Cox, Ph.D., an Army Reserve Colonel, was called back to active service. Dr. Cox currently serves in Iraq.

Ms. Wertheim has been an executive recruiter with Witt/Kieffer, Ford, Hadelman, Lloyd for twelve years and specializes in recruiting senior management for managed care organizations across the country. She has successfully completed executive search assignments for a broad range of positions including chief executive officers, chief operating officers, chief medical officers and medical directors.

Ms. Wertheim is a current and founding board member of

the Institute for Mental Health Research, a board member of Sunnyslope Village Revitalization working for affordable housing, past board chair of the Northside Job Training Center and past board member of the Sunnyslope Village Alliance. She earned a bachelor's degree in psychology from Kent State University.

"Governor Napolitano made an excellent decision to appoint Ms. Wertheim," said Board Executive Director Barry A. Cassidy, Ph.D., P.A.-C. "She will be a valuable asset to this Board while Dr. Cox honorably serves his country in another capacity."